

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
Phone: (505) 827-0339
Fax: (505) 827-2836



Susana Martinez
Governor

Revised Agenda
Meeting of the
Environmental Improvement Board
May 2, 2011
9:00 a.m.
Room 317, State Capitol Building
490 Old Santa Trail
Santa Fe, New Mexico 87501

The following items are for discussion and possible action:

1. Roll Call
2. How Notice Requirements Were Met for the Meeting
3. Approval of Agenda
4. Public Comment
5. Approval of meeting minutes, April 4, 2011
6. Presentation by Liquid Waste Program with overview of program, responsibility and authority. Dennis McQuillan, Program Manager.
Time estimate: 15 minutes
7. Request for Hearing: Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC, **EIB 11-11 (R)**.
Chuck Noble, NMED/OGC, Dennis McQuillan, EHD/LW.
Time estimate: 10 minutes

8. Request for Hearing: Proposed Amendments to the Liquid Waste Treatment and Disposal Fee Regulations, 20.7.11 NMAC, **EIB 11-08 (R)**. Link Summers, Petitioner. Time estimate: 10 minutes
9. Request for Hearing: Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC, **EIB 11-09 (R)**. Link Summers, Petitioner. Time estimate: 10 minutes
10. Request for Hearing: Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC, **EIB 11-10 (R)**. N-MOWA, Petitioner, Jace Ensor, President. Time estimate: 10 minutes
11. Request for Hearing: Proposed revisions to 20.2.99 NMAC, Conformity to the State Implementation Plan of Transportation Plans, Programs and Projects, **EIB 11-06 (R)**. Bill Grantham, NMED/OGC, Rita Bates, AQB. Time estimate: 10 minutes
12. Request for Hearing: Proposed revisions to the State Implementation Plan for Infrastructure of Lead National Ambient Air Quality Standard, **EIB 11-07 (R)**. Bill Grantham, NMED/OGC, Rita Bates, AQB. Time estimate: 10 minutes
13. Hearing: Proposed Revisions to Air Quality Regulations 20.2.74 NMAC, Permits—Prevention of Significant Deterioration; and 20.2.79 NMAC, Permits—Nonattainment Areas, **EIB 10-14 (R)**. Bill Grantham, NMED/OGC, Rita Bates, AQB. Time estimate: 1 hour
14. Presentation by Solid Waste Bureau with overview of Bureau programs, responsibility and authority. Auralie Ashley-Marx, Bureau Chief. Time estimate: 15 minutes
15. Hearing: Proposed Revisions to Solid Waste Regulations, 20.9.2 and 20.9.3 NMAC, **EIB 10-13 (R)**. Jennifer Hower, NMED/OGC, Auralie Ashley-Marx, SWB; NM Board of Pharmacy; NM Attorney General. Time estimate: 2 hours
16. Approval of Statement of Reasons in **EIB 10-12 (R)**, Revisions to Radiation Control Regulations, 20.3.3, 20.3.4, 20.3.10 and 20.3.12, Stephen Vigil, AGO. Time estimate: 10 minutes.

17. Executive session to discuss pending litigation.

Stephen Vigil, AGO. Time estimate: 30 minutes-1 hour

- a. Helena Chemical Co. v. N.M. Env't Dep't: COURT OF APPEALS Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.
- b. City of Farmington, etc. al. v. N.M. Env'tl. Improvement Bd.: COURT OF APPEALS No. 30,897, etc. Appeal of EIB 10-04(R), Cap & Trade.
- c. N.M. Oil & Gas Ass'n, et al. v. N.M. Env'tl. Improvement Bd.: COURT OF APPEALS No. 30,952, etc. Appeal of EIB 10-09(R), Greenhouse Gas Reporting.
- d. City of Farmington, et al. v. N.M. Env'tl. Improvement Bd.: COURT OF APPEALS No. 31,015, etc. Appeal of EIB 08-19(R): New Energy Economy.
- e. State (ex rel) Hanosh v. N.M. Env'tl. Improvement Bd.: THIRD JUDICIAL DISTRICT, D-0307-CV-200702708. Clean Car Rules.

18. Other business

19. Board Member Comments and Questions

20. Next meeting—June 1

Coming up:

- a. Hearings on **June 1, 2, 3** in Santa Fe and Farmington in **EIB 11-01 and 11-02 (R)**, Air Quality Regulations re: regional haze.
- b. Hearings on **July 11** in **EIB 11-03 (R)**, Liquid Waste Regulations re: licensure; and **EIB 11-04 (R)**, Air Quality Regulations re: NSPS, NESHAPS and MACT updates.

21. Adjournment

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Felicia Orth at least ten days prior to the meeting or as soon as possible at 505.827.0339 or felicia.orth@state.nm.us. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact Felicia Orth if a summary or other type of accessible format is needed.